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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Bahrain, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Jordan, Kuwait, Luxembourg, Malta, Micronesia (Federated States of), Morocco, Qatar, Saudi Arabia, Slovenia, Spain, Sweden, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen: draft resolution

Situation of human rights in the Syrian Arab Republic

The General Assembly,

Guided by the Charter of the United Nations,

Reaffirming the purposes and principles of the Charter, the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenants on Human Rights,[2]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic and to the principles of the Charter,

Recalling its resolutions 66/176 of 19 December 2011, 66/253 A of 16 February 2012, 66/253 B of 3 August 2012, 67/183 of 20 December 2012, 67/262 of 15 May 2013, 68/182 of 8 December 2013 and 69/189 of 18 December 2014, Human Rights Council resolutions S-16/1 of 29 April 2011,[3] S-17/1 of 23 August 2011,[3] S-18/1 of 2 December 2011,[4] 19/1 of 1 March 2012,[5] 19/22 of 23 March 2012,[5] S-19/1 of 1 June 2012,[6] 20/22 of 6 July 2012,[7] 21/26 of 28 September 2012,[8] 22/24 of 22 March 2013,[9] 23/1 of 29 May 2013,[10] 23/26 of

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.
[4] Ibid., *Supplement No. 53B* and corrigendum (A/66/53/Add.2 and Corr.1), chap. II.
[5] Ibid., *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.
[6] Ibid., chap. V.
[7] Ibid., chap. IV, sect. A.
[8] Ibid., *Supplement No. 53A* (A/67/53/Add.1), chap. III.
[9] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

Please recycle

14 June 2013,[10] 24/22 of 27 September 2013,[11] 25/23 of 28 March 2014,[12] 26/23 of 27 June 2014,[13] 27/16 of 25 September 2014,[14] 28/20 of 27 March 2015, 29/16 of 2 July 2015 and 30/10 of 1 October 2015 and Security Council resolutions 2042 (2012) of 14 April 2012, 2043 (2012) of 21 April 2012, 2118 (2013) of 27 September 2013, 2139 (2014) of 22 February 2014, 2165 (2014) of 14 July 2014, 2170 (2014) of 15 August 2014, 2178 (2014) of 24 September 2014, 2191 (2014) of 17 December 2014, 2209 (2015) of 6 March 2015 and 2235 (2015) of 7 August 2015 and the statements by the President of the Council of 3 August 2011,[15] 2 October 2013,[16] and 17 August 2015,[17]

Condemning the grave deterioration of the human rights situation and the indiscriminate killing and deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Noting with concern the culture of impunity for serious violations of international humanitarian law and violations and abuses of human rights law committed during the present conflict, which has provided a fertile ground for further violations and abuses,

Recalling that, amid expressions of popular discontent over restrictions on the enjoyment of civil, political, economic and social rights, civilian protests erupted in Dar'a in March 2011, and noting that the excessive and violent oppression of civilian protests by the Syrian authorities, which later escalated to the direct shelling of civilian population areas, fuelled the escalation of armed violence and extremist groups, including so-called Islamic State in Iraq and the Levant (ISIL) (Daesh),

Expressing outrage at the continuing escalation of violence in the Syrian Arab Republic, which has caused more than 250,000 fatalities, including the killing of many more than 10,000 children, and in particular at the continued widespread and systematic gross violations, as well as abuses, of human rights and violations of international humanitarian law, including those involving the continued indiscriminate use of heavy weapons and aerial bombardments, such as the indiscriminate use of ballistic missiles, cluster munitions, barrel and vacuum bombs and chlorine gas, and the starvation of civilians as a method of combat, which are prohibited under international humanitarian law, by the Syrian authorities against the Syrian population,

Expressing grave concern at the disproportionate use of force by the Syrian authorities against its civilians, which caused immense human suffering and fomented the spread of extremism and extremist groups and which demonstrates the failure of the Syrian authorities to protect its population and to implement the relevant resolutions and decisions of United Nations bodies,

Taking note of the identical letters dated 18 June 2015 addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, on behalf of 71 Member States, expressing outrage regarding the

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[10] Ibid., chap. V, sect. A.
[11] Ibid., *Supplement No. 53A* (A/68/53/Add.1), chap. III.
[12] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.
[13] Ibid., chap. V, sect. A.
[14] Ibid., *Supplement No. 53A* and corrigendum (A/69/53/Add.1 and Corr.1), chap. IV, sect. A.
[15] S/PRST/2011/16.
[16] S/PRST/2013/15.
[17] S/PRST/2015/15.

continued bloodshed and violence against civilians in Syria, caused in particular by the systematic use of barrel bombs,

Expressing grave concern at the spread of extremism and extremist groups, terrorism and terrorist groups, and strongly condemning all violations and abuses of human rights and violations of international humanitarian law committed in the Syrian Arab Republic by any party to the conflict, in particular so-called ISIL (Daesh), militias fighting on behalf of the regime, Al-Qaida-affiliated terrorist groups and other extremist groups,

Expressing support for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, and strongly condemning the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Noting with serious concern the observation of the Commission of Inquiry that, since March 2011, the Syrian authorities have conducted widespread attacks against the civilian population as a matter of policy,

Recalling the statements made by the Secretary-General, the United Nations High Commissioner for Human Rights and the special procedures of the Human Rights Council that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic, noting the repeated encouragement by the High Commissioner for the Security Council to refer the situation to the International Criminal Court, and regretting that a draft resolution [18] was not adopted notwithstanding broad support from Member States,

Expressing its deepest concern about the findings of the Commission of Inquiry and also the allegations contained in the evidence presented by "Caesar" in January 2014 regarding the torture and execution of persons incarcerated by the Syrian authorities, and underscoring the need for those allegations and similar evidence to be collected, examined and made available for future accountability efforts,

Expressing concern that the implementation of Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014) remains largely unfulfilled, and noting the urgent need to strengthen efforts to address the humanitarian situation in the Syrian Arab Republic, including through protection of civilians and rapid, safe and unhindered humanitarian access,

Recalling its commitment to Security Council resolutions 2170 (2014) and 2178 (2014),

Alarmed that more than 4.2 million refugees, including more than 2.8 million women and children, have been forced to flee the Syrian Arab Republic and that 12.2 million people in the Syrian Arab Republic, of whom 6.5 million are internally displaced, require urgent humanitarian assistance, which has resulted in an influx of Syrian refugees into neighbouring countries, other countries in the region and beyond, and alarmed at the risk the situation presents to regional and international stability,

Expressing its profound indignation at the death of many more than 10,000 children and the many more injured since the beginning of the peaceful protests in March 2011, and at all grave violations and abuses committed against children in

[18] S/2014/348.

contravention of applicable international law, such as their recruitment and use, killing and maiming, rape, attacks on schools and hospitals, as well as their arbitrary arrest, detention, torture, ill-treatment and their use as human shields,

Expressing its deep appreciation for the significant efforts that have been made by neighbouring countries and other countries in the region to accommodate Syrians, while acknowledging the increasing financial, socioeconomic and political impact of the presence of large-scale refugee and displaced populations in those countries, notably in Lebanon, Jordan, Turkey, Iraq, Egypt and Libya,

Welcoming the hosting by the Government of Kuwait of the First, Second and Third International Humanitarian Pledging Conferences for Syria, held on 30 January 2013, 15 January 2014 and 31 March 2015, and expressing its deep appreciation for the significant pledges of humanitarian assistance that have been made,

Welcoming also the efforts of the United Nations and the League of Arab States and all diplomatic efforts to achieve a political solution to the Syrian crisis based on the Geneva communiqué of 30 June 2012,[19] and expressing its full support for the Special Envoy of the Secretary-General for Syria, Staffan de Mistura,

Expressing its regret that the parties to the conflict in the Syrian Arab Republic, in particular the Syrian authorities, have failed to take advantage of the opportunities to achieve a political solution and form a transitional government with full executive powers based on the Geneva communiqué of 30 June 2012,

1. *Strongly condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed against the civilian population, in particular all indiscriminate attacks, including the use of barrel bombs in civilian areas and against civilian infrastructure, and demands that all parties immediately demilitarize medical facilities and schools and comply with their obligations under international law;

2. *Deplores and condemns in the strongest terms* the continued armed violence by the Syrian authorities against its own people since the beginning of the peaceful protests in 2011, and demands that the Syrian authorities immediately put an end to all indiscriminate attacks in civilian areas and public spaces, including those involving the use of terror tactics, airstrikes, barrel and vacuum bombs, chemical weapons and heavy artillery;

3. *Also deplores and condemns in the strongest terms* the continued widespread and systematic gross violations of human rights and fundamental freedoms and all violations of international humanitarian law by the Syrian authorities, the Government-affiliated *shabbiha* militias and those who fight on their behalf, including those violations involving the use of heavy weapons, aerial bombardments, cluster munitions, ballistic missiles, barrel bombs, chemical weapons and other force against civilians, as well as the starvation of the civilian population as a method of combat, attacks on schools, hospitals and places of worship, massacres, arbitrary executions, extrajudicial killings, the killing and persecution of peaceful protestors, human rights defenders and journalists, arbitrary detention, enforced disappearances, violations of women's and children's rights, unlawful interference with access to medical treatment, failure to respect and

[19] Security Council resolution 2118 (2013), annex II.

protect medical personnel, torture, systematic sexual and gender-based violence, including rape in detention, and ill-treatment;

4. *Strongly condemns* all human rights abuses or violations of international humanitarian law by armed extremists, as well as any human rights abuses or violations of international humanitarian law by armed anti-Government groups;

5. *Deplores and strongly condemns* the terrorist acts and violence committed against civilians by so-called ISIL (Daesh) and Al-Nusrah Front and their continued gross, systematic and widespread abuses of human rights and violations of international humanitarian law, and reaffirms that terrorism, including the actions of so-called ISIL (Daesh), cannot and should not be associated with any religion, nationality or civilization;

6. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by so-called ISIL (Daesh), in particular the enslavement and sexual abuse of women and girls, the forced recruitment, use and abduction of children;

7. *Reminds* the Government of the Syrian Arab Republic of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[20] including to take effective measures to prevent acts of torture in any territory under its jurisdiction, and calls upon all States parties to the Convention to comply with any relevant obligations under the Convention, including with respect to the extradite or prosecute principle contained in article 7 of the Convention;

8. *Strongly condemns* the reported persistent and widespread use of sexual violence, abuse and exploitation, including in government detention centres, including those run by the intelligence agencies, and notes that such acts may constitute violations of international humanitarian law and international human rights law, and in this regard expresses deep concern at the prevailing climate of impunity for sexual violence crimes;

9. *Also strongly condemns* all violations and abuses committed against children in contravention of applicable international law, such as their recruitment and use, killing and maiming, rape and all other forms of sexual violence, abductions, denial of humanitarian access, and attacks on schools and hospitals, as well as their arbitrary arrest, detention, torture, ill treatment and their use as human shields;

10. *Recalls* the statement made by the Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic on 21 September 2015 that the Syrian authorities remain responsible for the majority of the civilian casualties, killing and maiming scores of civilians daily, reiterates its decision to transmit the reports of the Commission of Inquiry to the Security Council, expresses its appreciation to the Commission of Inquiry for its briefings to members of the Security Council, and recommends the continuation of such briefings;

11. *Reaffirms* the Syrian authorities' responsibility for enforced disappearances, takes note of the assessment of the Commission of Inquiry that the Syrian authorities' use of enforced disappearances amounts to a crime against

[20] United Nations, *Treaty Series*, vol. 1465, No. 24841.

humanity, and condemns the targeted disappearances of young men, following Government-brokered ceasefires;

12. *Demands* that the Syrian authorities cooperate fully with the Commission of Inquiry, including by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

13. *Also demands* that the Syrian authorities meet their responsibilities to protect the Syrian population;

14. *Strongly condemns* the intervention in the Syrian Arab Republic of all foreign terrorist fighters and those foreign organizations and foreign forces fighting on behalf of the Syrian regime, particularly the Al-Quds Brigades, the Islamic Revolutionary Guard Corps and militia groups, such as Hizbullah, Asa'ib Ahl al-Haq, and Liwa' Abu al-Fadl al-Abbas, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

15. *Also strongly condemns* all attacks against the Syrian moderate opposition and calls for their immediate cessation, given that such attacks benefit so-called ISIL (Daesh) and other terrorist groups, such as Al-Nusrah Front, and contribute to a further deterioration of the humanitarian situation;

16. *Demands* that all foreign terrorist fighters, including those who are fighting in support of the Syrian authorities, immediately withdraw from the Syrian Arab Republic;

17. *Also demands* that all parties immediately put an end to all violations and abuses of international human rights law and violations of international humanitarian law, recalls, in particular, the obligation under international humanitarian law to distinguish between civilians and combatants and the prohibition against indiscriminate and disproportionate attacks and all attacks against civilians and civilian objects, further demands that all parties to the conflict take all appropriate steps to protect civilians, in compliance with international law, including by desisting from attacks directed against civilian objects, such as medical centres, schools and water stations, immediately demilitarize such facilities, avoid establishing military positions in populated areas and enable the evacuation of the wounded and all civilians who wish to leave besieged areas, and recalls in this regard that the Syrian authorities bear primary responsibility for protecting its population;

18. *Condemns in the strongest terms* the increasing number of massacres and other mass casualty incidents, including those which may constitute a war crime, taking place in the Syrian Arab Republic, including the outrageous attack in Douma by the Syrian regime that struck a busy marketplace on 16 August 2015, when at least 111 civilians were killed, including women and children, and requests the Commission of Inquiry to continue to investigate all such acts;

19. *Recalls* the statements made by the Special Envoy of the Secretary-General for Syria, Staffan de Mistura, indicating that the overwhelming majority of the civilian casualties in the Syrian Arab Republic have been caused by the indiscriminate use of aerial bombardments, demands in this regard that the Syrian authorities immediately cease any attacks on civilians, any disproportionate attacks

and any indiscriminate use of weapons in populated areas, including any indiscriminate use of weapons involving shelling and aerial bombardment, in particular the use of barrel bombs and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering, and recalls in this regard the obligation to respect international humanitarian law in all circumstances;

20. *Stresses* the need to promote accountability for those responsible for the unlawful killing of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and international human rights law;

21. *Condemns* the reported forced displacement of the population in the Syrian Arab Republic and the alarming impact on the demography of the country, and calls upon all parties concerned to immediately cease all activities related to these actions, including any activities that may amount to crimes against humanity;

22. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic and urges the international community to assume its responsibility for providing urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

23. *Strongly condemns* the intentional denial of humanitarian assistance to civilians, from whatever quarter, and in particular the denial of medical assistance and the withdrawal of water and sanitation services to civilian areas, which has recently worsened, stressing that the starvation of civilians as a method of combat is prohibited under international law, noting especially the primary responsibility of the Government of the Syrian Arab Republic in this regard, and deplores the deteriorating humanitarian situation;

24. *Demands* that the Syrian authorities and all other parties to the conflict do not hinder the full, immediate and safe access of the United Nations and humanitarian actors, including to besieged and hard-to-reach areas, consistent with Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014);

25. *Strongly condemns* practices including abduction, hostage-taking, incommunicado detention, torture, the brutal murder of innocent civilians and summary executions carried out by non-State armed groups and terrorist groups, most notably ISIL (Daesh) and Al-Nusrah Front, and underlines that such acts may amount to crimes against humanity;

26. *Deplores* the suffering and torture in detention centres throughout the Syrian Arab Republic, as depicted in the reports of the Commission of Inquiry and the Office of the United Nations High Commissioner for Human Rights, as well as in the evidence presented by "Caesar" in January 2014, demands that the Syrian authorities immediately release all persons arbitrarily detained and ensure that detention conditions are consistent with international law, and calls upon the Syrian authorities to publish a list of all detention facilities;

27. *Demands* that the Syrian authorities, ISIL (Daesh), Al-Nusrah Front and all other groups halt the arbitrary detention of civilians and release all detained civilians;

28. *Calls for* the appropriate international monitoring bodies to be granted access to detainees in government prisons and detention centres, including all military facilities referred to in the reports of the Commission of Inquiry;

29. *Strongly condemns* the use of chemical weapons and all indiscriminate methods of warfare in the Syrian Arab Republic, which is prohibited under international law, and notes with grave concern the Commission of Inquiry's findings that the Syrian authorities have repeatedly used chlorine gas as an illegal weapon, which constitutes a violation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction[21] and is prohibited under international law;

30. *Welcomes* the unanimous adoption of Security Council resolution 2235 (2015), in which the Council established an Organization for the Prohibition of Chemical Weapons-United Nations joint investigative mechanism to identify those involved in certain uses of toxic chemicals as weapons in the Syrian Arab Republic, and emphasizes the need to hold those responsible to account;

31. *Demands* that the Syrian Arab Republic respect fully its obligations under the Chemical Weapons Convention, the decision of 27 September 2013 of the Executive Council of the Organization for the Prohibition of Chemical Weapons,[22] and Security Council resolutions 2118 (2013) and 2235 (2015) requiring it to declare its programme in full and eliminate it in its entirety;

32. *Also demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect its population lies with the Syrian authorities;

33. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, as well as the organized looting and trafficking of its cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

34. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate fair and independent domestic or international, criminal justice mechanisms in accordance with the principle of complementarity, and stresses the need to pursue practical steps towards this goal, and for this reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard;

35. *Welcomes* the efforts of those countries outside the region that have put in place measures and policies to assist and host Syrian refugees, encourages them to do more, and encourages other States outside the region to consider also implementing similar measures and policies, with a view to providing Syrian refugees with protection and humanitarian assistance;

36. *Urges* the international community, including all donors, to provide urgent financial support to enable the host countries to respond to the growing

[21] Ibid., vol. 1974, No. 33757.

[22] Security Council resolution 2118 (2013), annex I.

humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

37. *Calls upon* all members of the international community, including all donors, to fulfil their previous pledges and continue to provide much-needed support to the United Nations, the specialized agencies and other humanitarian actors to provide humanitarian assistance to the millions of Syrians displaced both internally and in host countries;

38. *Urges* all Syrian parties to the conflict to take all appropriate steps to ensure the safety and security of United Nations and associated personnel, personnel of the specialized agencies and all other personnel engaged in humanitarian relief activities as required by international humanitarian law, without prejudice to their freedom of movement and access, stresses the need not to impede or hinder these efforts, recalls that attacks on humanitarian workers may amount to war crimes, and notes in this regard that the Security Council reaffirmed in its resolution 2191 (2014) that it will take further measures in the event of non-compliance with resolutions 2139 (2014), 2165 (2014) or 2191 (2014) by any Syrian party;

39. *Calls upon* the international community to support the leadership and full participation of women in all efforts aimed at finding a political solution to the Syrian crisis, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013 and 2242 (2015) of 13 October 2015;

40. *Reaffirms its commitment* to international efforts to find a political solution to the Syrian crisis that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, with the full and effective participation of women, and where there is no room for sectarianism or discrimination on ethnic, religious, linguistic, gender or any other grounds, and demands that all parties work urgently towards the comprehensive implementation of the Geneva communiqué,[20] aiming at bringing an end to all violence, violations and abuses of human rights and violations of international humanitarian law and the launching of a Syrian-led political process leading to a political transition that meets the legitimate aspirations of the Syrian people and enables them independently and democratically to determine their future, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

41. *Requests* the Secretary-General to report on the implementation of the present resolution by the Syrian authorities within 45 days of its adoption.